



SPONSOR: Rep. Osienski & Rep. Longhurst & Rep. Heffernan &
Rep. Phillips & Rep. K. Williams & Sen. Walsh
Reps. Baumbach, Griffith, Morrison; Sens. Hansen,
Hoffner, Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 8

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CLEAN CONSTRUCTION
PREFERENCES FOR PUBLIC WORKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 69, Title 29 by making insertions as shown by underline and deletions as shown by
2 strike through as follows:

3 Subchapter VIII. Sustainable Public Works.

4 § 6995. Purpose; definitions.

5 (a) It is the goal of this subchapter to foster the health of our communities and environment by promoting the
6 consideration of environmental and climate impacts of construction materials used in public works, alongside other criteria
7 such as cost and efficiency.

8 (b) As used in this subchapter:

9 (1) "Clean construction preferences" means guidelines and targets for embodied emissions and pollutants
10 associated with physical materials commonly used in public works.

11 (2) "Embodied emissions" means the amount of greenhouse gases associated with the extraction, production,
12 transport, and manufacturing of material.

13 § 6996. Clean Construction Preferences Committee.

14 (a) There is established a Clean Construction Preferences Committee to consist of all covered agency heads or
15 their designee and 1 additional member appointed by the Secretary of Education representing all public school districts.

16 (b) The Director of the Office, or the Director's designee, is the Committee Chair and the Office shall provide
17 administrative support to the Committee.

18 (c) By January 1, 2025, the Committee shall develop and publish clean construction preferences to allow for the
19 incorporation and consideration of sustainability and carbon impact data in the award of contracts. The preferences shall
20 require bidders to submit embodied emissions information related to proposed construction materials, and allow covered
21 agencies to award additional points or other positive consideration to bids that propose the use of materials or processes that

22 allow for lower embodied emissions. The Committee shall also consider the practicality and desirability of a preference for
23 American-made materials. The Committee shall facilitate the submission and consideration of public comment during the
24 development of the preferences.

25 (d) At the same time the Committee publishes clean construction preferences under subsection (c) of this section,
26 it shall transmit to the Chief Clerk of the House, the Secretary of the Senate, and the Director of the Division of Research
27 proposed changes to § 6962 of this title and any other necessary statutory changes to allow clean construction preferences
28 to be considered in the award of public works contracts.

29 (e) The Committee shall evaluate the clean construction preferences yearly and propose updates in accordance
30 with new data or best practices.

31 § 6997. Clean construction preferences in public works.

32 By July 1, 2025, the Office shall incorporate the clean construction preferences into bid documents, resulting
33 public works contracts, and require plan documents developed by covered agencies to incorporate the clean construction
34 preferences.

SYNOPSIS

This Act directs state agencies to collaborate on the development and implementation of “clean construction preferences” that will allow for the incorporation and consideration of sustainability and carbon impact data in the award of public works contracts.